

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Andhra Pradesh Health Medical Services – Dr. G.Ram Swaroop, Director of Public Health & Family Welfare (Retired) – Cancellation of Promotion as Director of Health – Orders – Issued.

HEALTH, MEDICAL AND FAMILY WELFARE (B1) DEPARTMENT

G.O.Rt.No. 1704

Dated: 18-12-2010

Read the following:-

1. G.O.Ms.No.261, HM&FW (B1) Dept., dated 28-06-2002.
2. G.O.Rt.No.1054, HM&FW (B1) Dept., dated 10.08.2009
3. G.O.Ms.No.264, HM&FW (B1) Dept., dated 17.11.2009.
4. G.O.Rt.No.1492, HM&FW (B1) Dept., dated 17.11.2009.
5. A.P.A.T. orders dated 20-4-2010 in O.A. No.12487/2009 filed by Dr. M.Subrahmanyam, RDMHS, Rajahmundry, E.G. Dist.
6. A.P.High Court orders dated 30-8-2010 in W.P.No. 21318/2010 filed by Government of Andhra Pradesh against the orders of A.P.A.T. dated 20.4.2010 in O.A.No. 12487/2009.

ORDER:-

The post of Director of Health had fallen vacant on 1-6-2009 consequent on retirement of Dr. D.Ramesh Chandra, Director of Health, upon superannuation on 31-5-2009. The Director of Health has submitted DPC proposals for filling up the said post. As Dr.G.Ram Swaroop, Additional Director, who was under consideration for the said post, did not have two years of service in the category of Additional Director, as stipulated in Rule 7 of A.P.Health and Family Welfare Service Rules, 2002, which is a mandatory requirement for promotion as Director of Health. Therefore in the G.O. 2nd read above, orders were issued relaxing Rule 7 of A.P.Health & Family Welfare Service Rules, in favour of Dr. G. Ram Swaroop, Additional Director, relaxing the minimum service required for promotion to the post of Director of Health (now re-designated as Director of Public Health & Family Welfare) for the panel year 2008-09. The matter was placed before the Departmental Promotion Committee, which approved his name for promotion as Director of Health. In the G.O. 4th read above, orders were issued promoting Dr.G.Ram Swaroop as Director of Health.

2. Aggrieved by the above orders, Dr.M.Subrahmanyam, Regional Director Medical & Health Services, Rajahmundry has filed O.A. No.12487/2009 requesting that orders issued in G.O.Rt.No.1492, H.M. & F.W. (B1) Dept., dt.17-11-2009 be set aside as Dr.G.Ram Swaroop was promoted in violation of Rule-5 of G.O.Ms.No.261, H.M. & F.W. (B1) Dept., dt.28-06-2002. As per the Rule 5 of the said rules, the person appointed as Director of Health (now re-designated as Director of Public Health & Family Welfare) must have one year of left over service before retirement on the date of appointment as Director.

3. While admitting the above O.A., the Hon'ble Tribunal in its order dated 20-04-2010 has set aside the impugned order issued in G.O.Rt. No.1492, H.M. & F.W. (B1) Dept., dt.17-11-2009 appointing Dr. G.Ram Swaroop as Director of Health, as he did not have left over service of one year on the date of appointment to the post of Director of Health.

4. The Government carried the matter in appeal before the Hon'ble High Court of A.P. through W.P. No.21318/2010 and the Hon'ble High Court of A.P. in its order dated 30-08-2010 has dismissed the appeal at the stage of admission, which was received by the Government on 27-10-2010. In the meanwhile, Dr.G.Ram Swaroop, has retired from service on 31-08-2010 on attaining the age of superannuation.

5. The Government, after examination of the matter, have decided to implement the orders of Hon'ble A.P. Administrative Tribunal dated 20.4.2010 in O.A. No. 12487/2009. Accordingly the orders issued in G.O. 4th read above are hereby cancelled and Dr. G.Ram Swaroop is reverted as Additional Director of Health, the post he held on 16th November, 2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. P.V.RAMESH
PRINCIPAL SECRETARY TO GOVERNMENT

To
Dr. G.Ram Swaroop, Director of Health (Retired).
The Commissioner, Health & Family Welfare, A.P., Hyderabad.

Copy to:-

The Director of Public Health& Family Welfare, A.P., Hyderabad.
P.S. to Minister (M&HS)
The Commissioner, Printing, Stationery & Stores Purchase, Hyderabad
with a request to publish in A.P.Gazette.
The H.M. & F.W. (C) Dept.
The Government Pleader (M&H) Service,
A.P. Administrative Tribunal, Hyderabad.
SF/SCs

// FORWARDED :: BY ORDER //

SECTION OFFICER